UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,266	04/21/2004	Rie Nagato	252113US90	4842

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EXAMINER
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ART UNIT	PAPER NUMBER
2609	

NOTIFICATION DATE	DELIVERY MODE
08/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/828,266	NAGATO ET AL.
	Examiner	Art Unit	
	Srinivasa R. Reddivalam	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *4/21/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *4/21/04, 5/5/05, 4/21/06*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Soumiya

et al. (US Patent No. 5,583,857)

Regarding claim1, Soumiya et al. teach a call-admission controller (Fig.18, 24)

which allocates, out of shared resources in a communications system, resources

required for communication in a plurality of calls of different priorities, comprising: an

impact-judging unit (Fig.1, 16) configured to make a judgment of, when having

detected a low-priority call, an impact of said low priority call on the communications

system (col. 9, lines 29-37); and a low-priority call admission-determining unit (Fig.1, 18)

configured to make, based on said impact of which said judgment is made, a

determination of whether to admit said low-priority call (col.9, lines 38-44).

Regarding claim2, Soumiya et al. teach for the call-admission controller as claimed

in claim I, wherein said low-priority call admission determining unit further comprises:

a call-admission threshold-value varying unit configured to cause a change in a call-

admission threshold-value for the low-priority call depending on the degree of said

impact (col. 23, lines 21-27).

Regarding claim 3, Soumiya et al. teach for the call-admission controller as claimed in

claim 2, wherein said call-admission threshold-value varying unit

sets, based on said impact, an indicator indicating the ease of allocation of the low-

priority call, so as to cause, using the set indicator, a change in said call-admission

threshold-value for the low-priority call (col. 18, lines 17-65 and col. 23, lines 30-39).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Soumiya et al. (U.S. Patent No. 5,583,857) in view of Murasawa et al. (U.S. Patent No.

6,532,227)

Regarding claim4, Soumiya et al. teach the call-admission controller as claimed in claim

3, further comprising: a defining unit configured to define said indicator as a function

(col.18, lines 17-55, 66-67 and col.19, lines 1-38) determining the ease of allocation of

the low-priority call.

Soumiya et al. fail to teach that wherein said function sets the call-admission threshold-

value for the low-priority call to be equivalent to the call-admission threshold-value for a

high-priority call when said impact does not exceed a threshold value defined in

advance, and sets the call-admission threshold-value for the low-priority call to be lower

than the call-admission threshold-value for the high-priority call when said impact

exceeds said threshold value defined in advance.

However, Murasawa et al. teach the above limitation (Figures 2- 5, col.5, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the method of Soumiya et al. to have same or different call

admission threshold-values for the low-priority call and high-priority call based on said

impact does not exceed or exceeds a threshold value defined in advance disclosed by

Murasawa et al. to make full utilization of the resources and prevent failure of call

connections.

Regarding claim 5, Soumiya et al. teach the call-admission controller as claimed in

claim1, wherein said impact-judging unit judges, from one or a plurality of the following

factors, the number of circuits (see col 17, lines 15-28 i.e. bandwidth in terms of

average cell rate, peak cell rate for various classes of VBR traffic, required for the low-priority call to perform the communication), said impact of said low-priority call on the communications system. Soumiya et al. do not teach the other factors i.e. the time up to completing the communication, the transmission data amount, the power required by communication equipment for performing the communication, the interference amount caused on other ongoing calls, the location of occurrence of said call, the traveling speed of a terminal causing said call, and the type of the terminal causing said call.

However, the above limitation (i.e. other factors) is taught by Murasawa et al. (see col 3, lines 25-66 and col 14, lines 35-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Soumiya et al. to include the above other factors for said impact-judging unit to judge from, disclosed by Murasawa et al. for better estimation of impact of low-priority call to improve system utilization.

Regarding claim 6, Soumiya et al. teach the call-admission controller as claimed in claim I, wherein the judgment by the impact-judging unit of the impact of the low-priority call on the communications system, and the determination by the low-priority call admission determining unit of whether to admit said low-priority call are performed (see abstract, Fig. 19 and col 21, lines 17-29). Soumiya et al. do not teach to perform the above when there are not many idle shared resources.

However, Murasawa et al. teach the above limitation (see Fig.4 & Fig. 5, col.10, lines 1-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Soumiya et al. to perform the determination whether to admit said low priority call when there are not many idle shared resources disclosed

by Murasawa et al. for full utilization of the system resources.

Regarding claim 7, Soumiya et al. further teach the call-admission controller as
claimed in 4, further comprising: a measuring unit configured to measure, when having
detected a call requesting a connection, a change in the usage condition of
communication equipment; and a changing unit which changes said function depending
on the amount of said change in the usage condition (col 18, lines 20 - 55 and col.19,
lines 5 - 65).

Regarding claim 8, Soumiya et al. teach a method of call-admission control (Fig.1
and col. 22, line 60) which allocates out of shared resources in a communications
system resources required for communication in a plurality of calls of different priorities
(col. 22, lines 61-63), comprising the steps of: judging, when having detected a low-
priority call (col.22, lines 64-67), an impact of said low-priority call on the
communications system (col. 23, lines 3-9); determining, when judged that said impact
is large, a low-priority call-admission threshold and determining, according to said
determined call-admission threshold value, whether to admit said low-priority call (col.
23, lines 10-18).

Soumiya et al. do not teach for a low-priority call-admission threshold value so
that the ease of allocation of said low-priority call is set to be lower than the ease of the
allocation of a high-priority call i.e. different threshold values for low and high priority
calls.

However, Murasawa et al. teach the above limitation i.e. different threshold values for

low and high priority calls (Fig.2, Fig.4 and Fig.5 and col.5, lines 49-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the call admission control method of Soumiya et al. to include

different threshold values for low and high priority calls disclosed by Murasawa et al. to

make full utilization of the system resources and prevent failure of call connections.

Conclusion

6.   Any response to this office action should be faxed to (571) 273-8300 or mailed

To:

            Commissioner for Patents,

            P.O. Box 1450

            Alexandria, VA 22313-1450

            Hand-delivered responses should be brought to

            Customer Service Window

            Randolph Building

            401 Dulany Street

            Alexandria, VA 22314.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srinivasa R. Reddivalam whose telephone number is 571-270-3524. The examiner can normally be reached on Monday-Friday 8:30am-6:00pm EST (1st Friday OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on 571-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Srinivasa R. Reddivalam
Patent Examiner
AU:2609
July 29, 2007

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SPE/TRAINER